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In the case of semicrystalline thermoplastics whose glass transition temperature lies between the starting temperature and the heat deflection temperature, it is possible that the deflection temperature function in the range of required deflection defined in Section 5.4 can be sufficiently flat in one of the methods defined in Section 3.2 (e.g., method B) that reproducibility and comparability of the test method become very uncertain. In these cases, the test can only be performed with one of the other methods (e.g. method A or C) described in Section 3.2.

#### 6. Evaluation

The average, rounded to 1K, of the individual values is the heat deflection temperature HDT/A, HDT/B or HDT/C. - -

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#### IN THE CLAIMS

Please amend Claim 17, 18, 19 and 22.

Please amend the Claims as follows:

17. (Amended Three times) A toner for developing an electrostatically charged copier or printer image, the toner consisting essentially of:

- a) a binder resin;
- b) a colorant; and
- c) a charge control agent,

the binder resin further comprises a polyolefin resin having a cyclic structure having :

(i) a low-viscosity resin with a number average molecular weight (Mn) of 1000 to 7500 and a weight average molecular weight (Mw) of 1,000 to 15,000, as measured by GPC, an intrinsic viscosity (i.v.) of less than 0.25 dl/g, and a heat distortion temperature (HDT) by DIN53461-B (January 1987) [August 2, 1995] of lower than 70°C; and

(ii) a high-viscosity resin having a number average molecular weight of at least 7,500 and a weight average molecular weight of at least 15,000, as measured by GPC, an i.v. of 0.25 dl/g or more, and an HDT of 70°C or higher;

wherein the polyolefin resin is a copolymer derived from an alpha-olefin, an alicyclic compound having a double bond and, optionally, a diene monomer, and wherein the electrostatically charged copier or printer image is fixed using a heat roller fixing means.

18. (Amended Three times) A toner for developing an electostatically charged copier or printer image, the toner consisting essentially of:

- d) a binder resin;
- e) a colorant; and
- f) a charge control agent,

the binder resin further comprises a polyolefin resin having a cyclic structure having :

(i) a low-viscosity resin having a number average molecular weight (Mn) of 3,000 to 7,500 and a weight average molecular weight (Mw) of 4,000 to 15,000, as measured by GPC, an intrinsic viscosity (i.v.) of less than 0.25 dl/g, and a heat distortion temperature (HDT) by DIN53461-B (January 1987) [August 2, 1995] of lower than 70°C; and

(ii) a high-viscosity resin having a number average molecular weight of 7,500 to 50,000 and a weight average molecular weight of 15,000 to 100,000, as measured by GPC, an i.v. of 0.25 dl/g or more, and an HDT of 70°C or higher;

wherein the polyolefin resin is a copolymer derived from an alpha-olefin, an alicyclic compound having a double bond and, optionally, a diene monomer, and wherein the electrostatically charged copier or printer image is fixed using a heat roller fixing means.

19. (Amended twice) The toner according to claims 17 or 18, wherein said low-viscosity resin has a [the] Mw/Mn ratio[,used as a measure of the degree of dispersion of molecular weight distribution, is from [about] 1 to 2.5.

22. (Amended Three times) The toner according to claims 16, 17 or 18, wherein the binder resin includes said polyolefin resin with a cyclic structure having an intrinsic viscosity (i.v.) of 0.25 dl/g or more, a heat distortion temperature (HDT) by DIN53461-B (January 1987) [August 2, 1995] of 70°C or higher, and a number average molecular weight of 7,500 or more and a weight average molecular weight of 15,000 or more, as measured by GPC, which is contained in a proportion of not more [less] than 50% by weight based on the entire binder resin.

The terms underlined were added to the claims and the terms bracketed were canceled from the claims. A clean copy of the claims is in Appendix 1.

#### REMARKS

The applicants' respectfully request reconsideration in view of the Amendment and following remarks. Support in the application for the definition of intrinsic viscosity as being "measured in decalin at 135°C" can be found in Appendixes 2 and 3. Appendix 3 includes nine patents that show in the olefin art that it is clear to one of ordinary skill in the olefin art to measure intrinsic viscosity in decalin at 135°C. In Appendix 2, U.S. patent 6,210,852 (" '852 patent") also issued to Toru Nakamura, who is one of the named inventors in this application, discloses that the intrinsic viscosity i.v., is at 135°C when 1.0 gram of the polymer is uniformly dissolved in 100 ml of decalin.